

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 229
Committee Substitute Favorable 3/26/15
PROPOSED SENATE COMMITTEE SUBSTITUTE H229-PCS20380-TM-40

Short Title: Church Tax Exemption/Driving Privileges. (Public)

Sponsors:

Referred to:

March 16, 2015

A BILL TO BE ENTITLED

AN ACT TO MODIFY THE EXEMPTION FOR REAL PROPERTY USED FOR RELIGIOUS PURPOSES AND TO AUTHORIZE THE HOLDER OF A LIMITED DRIVING PRIVILEGE TO DRIVE TO AND FROM THE PERSON'S PLACE OF RELIGIOUS WORSHIP.

The General Assembly of North Carolina enacts:

SECTION 1.(a) G.S. 105-278.3 reads as rewritten:

"§ 105-278.3. Real and personal property used for religious purposes.

(a) Buildings, the land they actually occupy, and additional adjacent land reasonably necessary for the convenient use of any such building shall be exempted from taxation if wholly owned by an agency listed in subsection (c), below, and if:

- (1) Wholly and exclusively used by its owner for religious purposes as defined in subsection (d)(1), below; or
- (2) Occupied gratuitously by one other than the owner and wholly and exclusively used by the occupant for religious, charitable, or nonprofit educational, literary, scientific, or cultural purposes.

...

(c) The following agencies, when the other requirements of this section are met, may obtain exemption for their properties:

- (1) A congregation, parish, mission, or similar local unit of a church or religious body; or
- (2) A conference, association, presbytery, diocese, district, synod, or similar unit comprising local units of a church or religious body.

(d) Within the meaning of this section:

- (1) A religious purpose is one that pertains to practicing, teaching, and setting forth a religion. Although worship is the most common religious purpose, the term encompasses other activities that demonstrate and further the beliefs and objectives of a given church or religious body. Within the meaning of this section, the ownership and maintenance of a general or promotional office or headquarters by an owner listed in subdivision (2) of subsection (c), above, is a religious purpose and the ownership and maintenance of residences for clergy, rabbis, priests or nuns assigned to or serving a congregation, parish, mission or similar local unit, or a conference, association, presbytery, diocese, district, synod, province or similar unit of a church or religious body or residences for clergy on furlough or unassigned,



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1 is also a religious purpose. However, the ownership and maintenance of
 2 residences for other employees is not a religious purpose for either a local
 3 unit of a church or a religious body or a conference, association, presbytery,
 4 diocese, district, synod, or similar unit of a church or religious body.
 5 Provided, however, that where part of property which otherwise qualifies for
 6 the exemption provided herein is made available as a residence for an
 7 individual who provides guardian, janitorial and custodial services for such
 8 property, or who oversees and supervises qualifying activities upon and in
 9 connection with said property, the entire property shall be considered as
 10 wholly and exclusively used for a religious purpose.

11 ...

12 ~~(e) Notwithstanding the exclusive use requirement of subsection (a), above, if part of a~~
 13 ~~property that otherwise meets that subsection's requirements is used for a purpose that would~~
 14 ~~require exemption if the entire property were so used, the valuation of the part so used shall be~~
 15 ~~exempted from taxation.~~

16 ...

17 ~~(g) Notwithstanding the exclusive use requirement of subsection (a), above, The~~
 18 ~~following exceptions apply to the exclusive-use requirement of subsection (a) of this section:~~

- 19 (1) If part, but not all, of a property meets the requirements of subsection (a) of
 20 this section, the valuation of the part so used is exempt from taxation.
 21 ~~(2) any~~ (2) Any parking lot wholly owned by an agency listed in subsection (e),
 22 ~~above, (c) of this section may be used for parking without removing the tax~~
 23 ~~exemption granted in this section; provided, section if~~ the total charge for
 24 ~~said parking uses shall does not~~ exceed that portion of the actual
 25 maintenance expenditures for the parking lot reasonably estimated to have
 26 been made on account of ~~said parking~~ uses. This subsection shall apply
 27 beginning with the taxable year that commences on January 1, 1978.
 28 (3) A building and the land occupied by the building is exempt from taxation if
 29 it is under construction and intended to be wholly and exclusively used by its
 30 owner for religious purposes upon completion. For purposes of this
 31 subdivision, a building is under construction starting when a building permit
 32 is issued and ending at the earlier of (i) 90 days after a certificate of
 33 occupancy is issued or (ii) 180 days after the end of active construction."

34 **SECTION 1.(b)** This section is effective for taxes imposed for taxable years
 35 beginning on or after July 1, 2015.

36 **SECTION 2.(a)** G.S. 20-179.3 reads as rewritten:

37 **"§ 20-179.3. Limited driving privilege.**

38 (a) Definition of Limited Driving Privilege. – A limited driving privilege is a judgment
 39 issued in the discretion of a court for good cause shown authorizing a person with a revoked
 40 driver's license to drive for essential purposes related to any of the following:

- 41 (1) ~~His~~ The person's employment.
 42 (2) The maintenance of ~~his~~ the person's household.
 43 (3) ~~His~~ The person's education.
 44 (4) ~~His~~ The person's court-ordered treatment or assessment.
 45 (5) Community service ordered as a condition of the person's probation.
 46 (6) Emergency medical care.
 47 (7) Religious worship.

48 (b) Eligibility. –

- 49 (1) A person convicted of the offense of impaired driving under G.S. 20-138.1 is
 50 eligible for a limited driving privilege if:

- 1 a. At the time of the offense ~~he~~ the person held either a valid driver's
- 2 license or a license that had been expired for less than one year;
- 3 b. At the time of the offense ~~he~~ the person had not within the preceding
- 4 seven years been convicted of an offense involving impaired driving;
- 5 c. Punishment Level Three, Four, or Five was imposed for the offense
- 6 of impaired driving;
- 7 d. Subsequent to the offense ~~he~~ the person has not been convicted of, or
- 8 had an unresolved charge lodged against ~~him~~ the person for, an
- 9 offense involving impaired driving; and
- 10 e. The person has obtained and filed with the court a substance abuse
- 11 assessment of the type required by G.S. 20-17.6 for the restoration of
- 12 a drivers license.

A person whose North Carolina driver's license is revoked because of a conviction in another jurisdiction substantially similar to impaired driving under G.S. 20-138.1 is eligible for a limited driving privilege if ~~he~~ the person would be eligible for it had the conviction occurred in North Carolina. Eligibility for a limited driving privilege following a revocation under G.S. 20-16.2(d) is governed by G.S. 20-16.2(e1).

- 19 (2) Any person whose licensing privileges are forfeited pursuant to
- 20 G.S. 15A-1331.1 is eligible for a limited driving privilege if the court finds
- 21 that at the time of the forfeiture, the person held either a valid drivers license
- 22 or a drivers license that had been expired for less than one year and
- 23 a. The person is supporting existing dependents or must have a drivers
- 24 license to be gainfully employed; or
- 25 b. The person has an existing dependent who requires serious medical
- 26 treatment and the defendant is the only person able to provide
- 27 transportation to the dependent to the health care facility where the
- 28 dependent can receive the needed medical treatment.

The limited driving privilege granted under this subdivision must restrict the person to essential driving related to the purposes listed above, and any driving that is not related to those purposes is unlawful even though done at times and upon routes that may be authorized by the privilege.

33 ...
 34 (c1) Privilege Restrictions for High-Risk Drivers. – Notwithstanding any other provision
 35 of this section, any limited driving privilege issued to a person convicted of an impaired driving
 36 offense with an alcohol concentration of 0.15 or more at the time of the offense shall:

- 37 (1) Not become effective until at least 45 days after the final conviction under
- 38 G.S. 20-138.1;
- 39 (2) Require the applicant to comply with the ignition interlock requirements of
- 40 subsection (g5) of this section; and
- 41 (3) Restrict the applicant to driving only to and from the applicant's place of
- 42 employment, the place the applicant is enrolled in school, the applicant's
- 43 place of religious worship, any court ordered treatment or substance abuse
- 44 education, and any ignition interlock service facility.

45 For purposes of this subsection, the results of a chemical analysis presented at trial or
 46 sentencing shall be sufficient to prove a person's alcohol concentration, shall be conclusive, and
 47 shall not be subject to modification by any party, with or without approval by the court.

48 ...
 49 (e) Limited Basis for and Effect of Privilege. – A limited driving privilege issued under
 50 this section authorizes a person to drive if ~~his~~ the person's license is revoked solely under
 51 G.S. 20-17(a)(2) or as a result of a conviction in another jurisdiction substantially similar to

1 impaired driving under G.S. 20-138.1; if the person's license is revoked under any other statute,
2 the limited driving privilege is invalid.

3 ...

4 (g1) Driving for Work-Related Purposes in Nonstandard Hours. – If the applicant is
5 required to drive during nonstandard working hours for an essential work-related purpose, ~~he~~
6 the applicant must present documentation of that fact before the judge may authorize ~~him~~ the
7 applicant to drive for this purpose during those hours. If the applicant is self-employed, the
8 documentation must be attached to or made a part of the limited driving privilege. If the judge
9 determines that it is necessary for the applicant to drive during nonstandard hours for a
10 work-related purpose, ~~he~~ the judge may authorize the applicant to drive subject to these
11 limitations:

- 12 (1) If the applicant is required to drive to and from a specific place of work at
13 regular times, the limited driving privilege must specify the general times
14 and routes in which the applicant will be driving to and from work, and
15 restrict driving to those times and routes.
- 16 (2) If the applicant is required to drive to and from work at a specific place, but
17 is unable to specify the times at which that driving will occur, the limited
18 driving privilege must specify the general routes in which the applicant will
19 be driving to and from work, and restrict the driving to those general routes.
- 20 (3) If the applicant is required to drive to and from work at regular times but is
21 unable to specify the places at which work is to be performed, the limited
22 driving privilege must specify the general times and geographic boundaries
23 in which the applicant will be driving, and restrict driving to those times and
24 within those boundaries.
- 25 (4) If the applicant can specify neither the times nor places in which ~~he~~ the
26 applicant will be driving to and from work, or if ~~he~~ the applicant is required
27 to drive during these nonstandard working hours as a condition of
28 employment, the limited driving privilege must specify the geographic
29 boundaries in which ~~he~~ the applicant will drive and restrict driving to that
30 within those boundaries.

31 The limited driving privilege must state the name and address of the applicant's place of work
32 or employer, and may include other information and restrictions applicable to work-related
33 driving, in the discretion of the court.

34 (g2) Driving for Other than Work-Related Purposes. – A limited driving privilege may
35 not allow driving for maintenance of the household except during standard working hours, and
36 the limited driving privilege may contain any additional restrictions on that driving, in the
37 discretion of the court. The limited driving privilege must authorize driving essential to the
38 completion of any community work assignments, course of instruction at an Alcohol and Drug
39 Education Traffic School, or substance abuse assessment or treatment, to which the applicant is
40 ordered by the court as a condition of probation for the impaired driving conviction. If this
41 driving will occur during nonstandard working hours, the limited driving privilege must specify
42 the same limitations required by subsection (g1) for work-related driving during those hours,
43 and it must include or have attached to it the name and address of the Alcohol and Drug
44 Education Traffic School, the community service coordinator, or mental health treatment
45 facility to which the applicant is assigned. Driving for educational purposes other than the
46 course of instruction at an Alcohol and Drug Education Traffic School is subject to the same
47 limitations applicable to work related driving under subsections (g) and (g1). Driving to and
48 from the applicant's place of religious worship is subject to the same limitations applicable to
49 work-related driving under subsections (g) and (g1) of this section.

50 ...

1 (h) Other Mandatory and Permissive Conditions or Restrictions. – In all limited driving
2 privileges the judge shall also include a restriction that the applicant not consume alcohol while
3 driving or drive at any time while ~~he-the applicant~~ has remaining in ~~his-the applicant's~~ body any
4 alcohol or controlled substance previously consumed, unless the controlled substance was
5 lawfully obtained and taken in therapeutically appropriate amounts. The judge may impose any
6 other reasonable restrictions or conditions necessary to achieve the purposes of this section.

7 (i) Modification or Revocation of Privilege. – A judge who issues a limited driving
8 privilege is authorized to modify or revoke the limited driving privilege upon a showing that
9 the circumstances have changed sufficiently to justify modification or revocation. If the judge
10 who issued the privilege is not presiding in the court in which the privilege was issued, a
11 presiding judge in that court may modify or revoke a privilege in accordance with this
12 subsection. The judge must indicate in the order of modification or revocation the reasons for
13 the order, or ~~he-the judge~~ must make specific findings indicating the reason for the order and
14 those findings must be entered in the record of the case.

15 (j) Effect of Violation of Restriction. – A ~~holder-of-person holding~~ a limited driving
16 privilege who violates any of its restrictions commits the offense of driving while ~~his~~-license is
17 revoked under G.S. 20-28(a) and is subject to punishment and license revocation as provided in
18 that section. If a law-enforcement officer has reasonable grounds to believe that the ~~holder~~
19 ~~of-person holding~~ a limited driving privilege has consumed alcohol while driving or has driven
20 while ~~he-the person~~ has remaining in ~~his-the person's~~ body any alcohol previously consumed,
21 the suspected offense of driving while license is revoked is an alcohol-related offense subject to
22 the implied-consent provisions of G.S. 20-16.2. If a ~~holder-of-person holding~~ a limited driving
23 privilege is charged with driving while license revoked by violating a restriction contained in
24 ~~his-the~~ limited driving privilege, and a judicial official determines that there is probable cause
25 for the charge, the limited driving privilege is suspended pending the resolution of the case, and
26 the judicial official must require the ~~holder-person~~ to surrender the limited driving privilege.
27 The judicial official must also notify the ~~holder-person~~ that ~~he-the person~~ is not entitled to drive
28 until ~~his-the~~ case is resolved.

29 Notwithstanding any other provision of law, an alcohol screening test may be administered
30 to a driver suspected of violating this section, and the results of an alcohol screening test or the
31 driver's refusal to submit may be used by a law enforcement officer, a court, or an
32 administrative agency in determining if alcohol was present in the driver's body. No alcohol
33 screening tests are valid under this section unless the device used is one approved by the
34 Department of Health and Human Services, and the screening test is conducted in accordance
35 with the applicable regulations of the Department as to the manner of its use.

36 ...
37 (k) Copy of Limited Driving Privilege to Division; Action Taken if Privilege Invalid. –
38 The clerk of court or the child support enforcement agency must send a copy of any limited
39 driving privilege issued in the county to the Division. A limited driving privilege that is not
40 authorized by this section, G.S. 20-16.2(e1), 20-16.1, 50-13.12, or 110-142.2, or that does not
41 contain the limitations required by law, is invalid. If the limited driving privilege is invalid on
42 its face, the Division must immediately notify the court and the ~~holder-of-person holding~~
43 the privilege that it considers the privilege void and that the Division records will not indicate that
44 the ~~holder-person~~ has a limited driving privilege.

45"
46 **SECTION 2.(b)** This section becomes effective October 1, 2015, and applies to
47 limited driving privileges issued on or after that date.

48 **SECTION 3.** Except as otherwise provided, this act is effective when it becomes
49 law.